

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CHEVELLE TINGEN,)
Plaintiff) Civil Action
vs.) No. 02-CV-04663
ROBERT L. ECKLIN, JR.,)
Individually and doing business)
as ECKLIN DEVELOPMENT GROUP, and)
DENNIS SCHOPF,)
Defendants)

O R D E R

NOW, this 17th day of January, 2004, upon consideration of Plaintiff's Motion in Limine and Motion to Strike Testimony of Tina Herr filed September 15, 2003, which motion is unopposed; it appearing that Tina Herr is not listed as a potential witness in Defendant's Pretrial Memorandum filed September 15, 2003,

IT IS ORDERED that plaintiff's motion is granted in part and denied as moot in part.

IT IS FURTHER ORDERED that plaintiff's motion in limine is granted as uncontested.

IT IS FURTHER ORDERED that defendant is precluded from calling Tina Herr as a witness or producing any evidence regarding Miss Herr at the trial of this matter.

IT IS FURTHER ORDERED that plaintiff's motion to strike Tina Herr's deposition from the record is denied as moot.¹

BY THE COURT:

James Knoll Gardner
United States District Judge

¹ It is unnecessary to strike Miss Herr's deposition from the record of this matter because it is not a part of the record in this case. The only place that any of the deposition transcript has been filed in this matter is as an exhibit to plaintiff's within motion. Moreover, plaintiff only submitted one page from the deposition transcript. Because defendant did not respond to the within motion and because defendant did not include Miss Herr as a potential witness at the trial of this case, we granted plaintiff's motion in limine above. However, because Miss Herr will not be called as a witness by defendants and because her deposition testimony will not be admitted at trial, it is not necessary to strike her deposition testimony. Accordingly, we deny plaintiff's motion to strike as moot.